

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT ILLINOIS, EASTERN DIVISION**

SHAWN HOLBROOK, on behalf of)	
himself and all others similarly situated,)	
)	Case No. 08 C 385
Plaintiff,)	
)	Judge Amy J. St. Eve
v.)	
)	Magistrate Judge Arlander Keys
MARRIOTT INTERNATIONAL, INC.,)	
)	
Defendant.)	

JOINT STATUS REPORT

Pursuant to the Court's minute entry of January 22, 2008, and in anticipation of the initial status hearing set for February 7, 2008 at 8:30 a.m., Plaintiff SHAWN HOLBROOK and Defendant MARRIOTT INTERNATIONAL, INC., by their attorneys, submit the following joint status report.

1. The Nature of the Case

A. The attorneys of record for each party are as follows:

For the Plaintiff Shawn Holbrook:

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For the Defendant Marriott International, Inc.:

Colin M. Connor
Noah A. Finkel (lead trial attorney)
SEYFARTH SHAW LLP
131 South Dearborn Street
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B. The basis for federal jurisdiction is 28 U.S.C. § 1331 because Plaintiff asserts a claim arising under the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 207. Defendant alleges, though Plaintiff denies, that the Court also has original jurisdiction over this action under the general diversity statute, 28 U.S.C. § 1332. Defendant further alleges, though Plaintiff denies, that the Court has supplemental jurisdiction over Plaintiff’s state law claims under 28 U.S.C. § 1367(a). Plaintiff also claims that even if the Court has supplemental jurisdiction over his state law claims, it should decline to exercise jurisdiction under 28 U.S.C. § 1367(c). Plaintiff will file a motion to remand his state law claims before the initial status hearing on February 7, 2008.

C. Plaintiff claims that Defendant breached his employment contract by underpaying his regular and overtime wages. In addition to alleging common law breach of contract, Plaintiff alleges that Defendant violated the Illinois Wage Payment and Collection Act, 820 ILCS § 115/1, *et seq.*, the Illinois Minimum Wage Law, 820 ILCS § 105/1, *et seq.*, and the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.*

D. The major factual issue in this case is whether Defendant improperly calculated Plaintiff’s regular hourly rate of pay when it changed him from a salaried employee to an hourly employee and, if so, whether Defendant breached any alleged agreement it may have had with Plaintiff.

E. The relief sought by the Plaintiff is as follows:

- Certification of a class of other similarly situated employees;
- Actual damages to compensate Plaintiff and the class for Defendant's alleged miscalculation of their regular hourly wages;
- Actual damages to compensate Plaintiff and the class for Defendant's alleged resulting miscalculation of their overtime wages;
- Statutory damages for Defendant's alleged underpayment of overtime wages; and
- Attorneys' fees and costs.

2. Pending Motions and Case Plan

A. There are no motions pending though, as explained above, Plaintiff intends to file a motion to remand his state law claims before the initial status hearing on February 7, 2008.

B. The parties propose the following discovery plan:

- a. Plaintiff will need, *inter alia*, discovery of documents and information relating to (i) his employment contract, (ii) the method by which Defendant converted his salary to an hourly rate, (iii) his wage payment records, and (iv) putative class members.

Defendant will need, *inter alia*, discovery of documents and information relating to each plaintiff's, including both the named plaintiff and all future opt-in plaintiffs', understanding of his regular rate of pay and overtime rate paid by Marriott.

- b. Rule 26(a)(1) disclosures shall be exchanged by March 28, 2008.
- c. Fact discovery shall be completed by August 28, 2008.
- d. Expert discovery shall be completed by November 28, 2008. Plaintiff's expert reports shall be delivered by September 28, 2008. Defendant's expert reports shall be delivered by October 28, 2008.
- e. All dispositive motions shall be filed by January 28, 2009.
- f. A final pretrial order shall be filed by July 11, 2009.

C. With respect to trial, the parties represent as follows:

- a. A jury trial is requested.
- b. The probable length of trial is three (3) days.

c. The case will be ready for trial by August 11, 2009.

3. Consent to Proceed Before a Magistrate Judge

The parties do not unanimously consent to proceed before a Magistrate Judge.

4. Status of Settlement Discussions

- A. Settlement discussions have not occurred.
- B. Because no settlement discussions have occurred, there is no status to report.
- C. The parties do not request a settlement conference.

Dated: January 31, 2008

Respectfully submitted,

SHAWN HOLBROOK, on behalf of himself and all
others similarly situated, Plaintiff

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The undersigned hereby certifies that on January 31, 2008 he caused the foregoing document to be filed with the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, by using its Electronic Case Filing System which will send a Notice of Electronic Filing to the following Filing Users:

Colin M. Connor

Noah A. Finkel

The undersigned also certifies that on the above date he caused the foregoing document to be mailed by United States Postal Service to the following non-Filing Users:

(Not Applicable)

/s/ Jeffrey J. Halldin

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